

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DE LAGE LANDEN FINANCIAL SERVICES,
INC.,

Plaintiff:

Case No. 2:20-cv-01908-CMR

v.:

SANJAY SINGH

ROYAL BENGAL LOGISTICS, INC et al.,

Defendants.

May 6, 2020

**MOTION TO SET ASIDE CLERK'S ENTRY OF DEFAULT IN SUPPORT OF FRCP
RULE 55(C)**

PRELIMINARY STATEMENT

04/10/2020 Defendants, SANJAY SINGH & ROYAL BENGL LOGISTICS HAVE
JOINTLY FILED Notice of Removal to Federal Court. See. [1]

On 05/04/2020, plaintiff, filed a Motion for Preliminary Default/affidavit, based on the
premise that defendants had failed to file an answer to the suit and assert that Royal
Bengal Logistics Inc., cannot be represented in pro-se.

Sanjay Singh & Royal Bengal Logistics Inc., move to this Honorable Court for an
order to set aside the Clerk's Entry of Default pursuant to FRCP Rule 55 (c) on the basis
that the defendant assert No default and Due to COVID -19 National Emergency a reply is
applied in association with this motion and hence default if any is corrected, the existence

of a meritorious defense, the absence of prejudice, that the entry of default would produce a harsh or unfair result, and other reasons establishing good cause therefore.

LAW AND ARGUMENT

Pursuant FRCP Rule 55(c), the court may set aside the clerk's entry of default for "good cause." As such, before the court could evaluate the proper amount of damages it would need to "conduct hearings or make referrals," or "investigate any other matter" as it saw fit. FRCP Rule 55(b)(2).

Further, defaults are "generally disfavored in the law and thus should not be granted on the claim, WITHOUTMORE, that the defendant had failed to meet a procedural time requirement." *Lacy v. SITEL Corp.*, 227 F.3d 290, 292 (5th Cir. 2000)

In light of the moving defendants prompt filing of n Answer to Plaintiffs Complaint, the current state of the litigation, the existence of a meritorious defense, the lack of prejudice to plaintiff, and that a default judgement would produce a harsh or unfair result, this motion to set aside the clerk's entry of default should be granted. See.. *Newgen, LLC. v. Safe Cig, LLC*, 840 F.3d 606, 616 (9th Cir. 2016)

IN PRO-SE

Respectfully submitted,



SANJAY SINGH,

Royal Bengal Logistics, INC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies on the May 6, 2020 a true and correct copy of the **MOTION TO SET ASIDE CLERK'S ENTRY OF DEFAULT IN SUPPORT OF FRCP RULE 55(C)** was served upon the following parties by e-mail & CM/ECF.

NEHR LAW LLC
/s/ Fred August Nehr, Esq.
Fred August Nehr, Esquire
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Respectfully submitted,

IN PRO-SE

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